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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/595,287	06/15/2000	Andrew W. Spyker	RSW9-2000-0042-US1	8796

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10/27/2003

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EXAMINER

NORRIS, TREMAYNE M

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 10/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/595,287

Applicant(s)

SPYKER ET AL.

Examiner

Tremayne M. Norris

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/15/2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

1. Claims 1-29 are pending.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: "DVD 282". A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. The use of the trademark Java has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

4. The disclosure is objected to because of the following informalities: On p.11 line 25, "PCI local bus 266" should have reference number 256 not 266.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 2,3,12,13,22,23 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. References to trademarks in claims or using trademarks as part of claims should not be used. The trademarked term refers to the source of the goods and not the technical merits of those goods.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 2, 4-6, 11,12,14-16, 21, 22, 24-26 rejected under 35 U.S.C. 102(b) as being anticipated by McManis.

Regarding Claim 1, McManis teaches: A method of verifying the integrity of unauthenticated code, comprising:

- a. receiving automatically authenticated code, the automatically authenticated code including an embedded first hash value of the unauthenticated code (col. 10 lines 64-col.11 lines1-2);
- b. receiving the unauthenticated code; generating a second hash value of the unauthenticated code (col. 11 lines 2-9);
- c. comparing the first hash value and the second hash value (col.11 lines 10-25);
- d. verifying the integrity of the unauthenticated code if the first hash value and the second hash value match (col.11 lines 10-25).

Regarding Claim 2, McManis teaches: a method wherein the automatically authenticated code is compiled Java code and wherein the unauthenticated code is native code (col.4 lines 31-38).

Regarding Claim 4, McManis teaches a method wherein the first hash value is obtained using a hashing function and wherein generating a second hash value of the unauthenticated code includes using the same hashing function as was used to obtain the first hash value(col.5 37-40, col.7 lines 34-36, and col.11 lines 2-9).

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Regarding Claim 5, McManis teaches a method wherein the hashing function is identified based on information stored in the automatically authenticated code (col.8 lines 1-11 and col.10 lines 66-67 thru col.11 lines 1-2).

Regarding Claim 6, McManis teaches a method comprising executing the automatically authenticated code using a virtual machine, and sending a request to a server from which the automatically authenticated code was received, the request being for the unauthenticated code (col.4 lines 25-27 and col.8 lines 4-17).

Claims 11,12, 14-16, 21,22, 24-26 are rejected for the same reasons outlined above.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 3, 10, 13, 20, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over McManis.

Regarding Claims 3, 13, 23, the examiner takes official notice that dynamically linked libraries are well known in the art as standardized code. It would be obvious to one of ordinary skill in the art to use a dynamically linked library as unauthenticated code for use of proper execution of Java code.

Regarding Claims 10 and 20, the examiner takes official notice that web browsers are well known in the art with use of virtual machines. It would be obvious to one of ordinary skill in the art to use a web browser on a client device in order to download applications and have their integrity verified through the virtual machine.

Claims 7-9, 17-19, and 27-29 rejected under 35 U.S.C. 103(a) as being unpatentable over McManis as applied to claim 1 above, and further in view of Cordery et al. McManis teaches a method of verifying the integrity of unauthenticated code by comparing the first and second hash values to see if they match. McManis does not teach a method of repeating the process if the hash values do not match, however, Cordery et al do (col.5 lines 14-22). It would be obvious to one of ordinary skill in the art to employ a method of repeating the comparing step in order to determine if the code has been intentionally or unintentionally corrupted.

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tremayne M. Norris whose telephone number is (703) 305-8045. The examiner can normally be reached on M-F 7:30AM-5:00PM alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (703) 305-4789. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Tremayne M. Norris

October 9, 2003


GREGORY MORSE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100